

United States District Court
for the
Western District of New York

United States of America

v.

TIMOTHY WALLACE

*Defendant*Case No. 11-mj-609**CRIMINAL COMPLAINT**

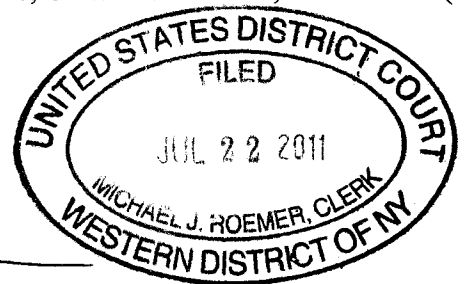
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From, in or about the date of July 11, 2011, in the county of Livingston in the Western District of New York, the defendant violated 18 U.S.C. § 2422(b), the offenses described as follows:

the defendant did use a facility and means of interstate commerce to knowingly attempt to persuade, induce, and entice an individual he believed to be less than 18 years of age, to engage in sexual activity for which he could be charged with a criminal offense under the laws of the State of New York, all in violation of Title 18, United States Code, Section 2422(b)

This criminal complaint is based on these facts:

- Continued on the attached sheet.



[Handwritten signature]

Complainant's signature

Barry W. Couch, Special Agent
Federal Bureau of Investigation

Printed name and title

Sworn to before me and signed in my presence.

Date: July 22, 2010

[Handwritten signature: Marian W. Payson]

Judge's signature

City and State: Rochester, New York

Honorable Marian W. Payson
United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

11-mg-609

I, Barry W. Couch, being duly sworn, depose and state:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent for approximately two and one-half years. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that TIMOTHY R. WALLACE, born XX/XX/1980, while in the Western District of New York, used a means of interstate commerce to knowingly entice an individual who had not attained the age of eighteen years, to engage in sexual activity, in violation of Title 18, United States Code, Section 2422(b).

3. The statements contained in this affidavit are based on my own personal knowledge and observation, my training and experience, and conversations with other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not

included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that TIMOTHY R. WALLACE did knowingly violate Title 18, United States Code, Section 2422(b).

4. On July 11, 2011, New York State Police Investigator Aaron Dake was informed that a thirteen year old female in Nunda, New York, had reported that an unknown twenty-five year old person named TIM had been texting her sexually explicit communications and had attempted to physically meet her in the Village of Nunda. The victim provided a deposition in which she stated that she had received a text from someone that identified himself as "Tim" from Oakland and that she added him to her contact list as "Random Tim." She stated that she and "Tim" texted back and forth all day long and at one point, he asked her how old she was and she told him she was thirteen. He said he was twenty-five. The victim stated that he eventually started asking her about sex. They talked about sex for a while and then he asked her to meet him at the Gazebo on East Street in Nunda. The victim stated she went to the Gazebo but got scared and called 911.

5. On July 12, 2011, the thirteen year-old's mother gave written consent for New York State Police to search the victim's cellular telephone. New York State Police were then able to determine that the telephone number of the unknown texter was 585-447-2841. Internet records showed that the phone number was maintained by Verizon Wireless. Subpoena results from Verizon Wireless, a known provider of interstate cellular telephone service, showed that the customer using telephone number 585-447-2841 was TIMOTHY WALLACE of 9266 Parker Road, Nunda, New York.

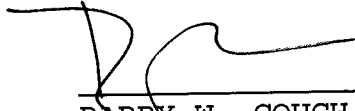
6. On July 19, 2011, Investigator Dake interviewed TIMOTHY WALLACE. WALLACE signed a written voluntary statement. An excerpt from that statement reads, "On July 11, 2011, I was at the laundry mat in Nunda, New York, and saw a phone number for a babysitter named (the victim) who was 13 years old. I began texting (the victim) and introduced myself as Tim from Nunda, and I think I told her how old I was. (The victim) would text me back as I was chatting her up. I think I initiated the conversation toward sex in a subtle manner. I was chatting (the victim) up for the purpose of meeting her and having sex with her, what I called having fun. (The victim) eventually agreed to meet up with me in Nunda. I asked her to wear a short skirt with no panties because of easier access. I first asked (the victim)

to meet me at the Gazebo, but after seeing her from a distance, it looked like she had another girl with her. I then asked her to walk down to the creek, but she didn't go. Then I couldn't go through with it and never met up with her. I knew it was stupid of me."

7. WALLACE continued his voluntary statement by disclosing that he had both knowingly received and distributed child pornography through use of the internet and his cellular telephone, as recent as approximately a month ago. WALLACE also disclosed that he had a "sexting relationship" with a fourteen year-old girl from another state, maybe Missouri or Kansas. WALLACE stated that he and the fourteen year-old girl exchanged naked pictures of themselves. WALLACE stated that his relationship with the fourteen year-old girl ended within the last few weeks. WALLACE stated, "I let my sexual urges get the better of me." WALLACE concluded his statement with, "I realize that it is indeed disgusting to have thoughts about innocent children."

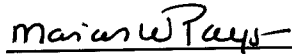
Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that TIMOTHY R. WALLACE has violated Title 18, United States Code, Section 2422(b), using a means of interstate or foreign commerce, to knowingly persuade,

induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so.



BARRY W. COUCH, Special Agent
Federal Bureau of Investigation

Sworn to before me this
22 day of July, 2011.



HONORABLE MARIAN W. PAYSON
United States Magistrate Judge